

REMARKS

Interview
OK
6/3/04

Applicant thanks Examiners Tran and Stodola for the courtesy of a telephonic interview on March 23, 2004. Applicant and the Examiners discussed the Examiners' objection to Claim 1 as not being generic to the elected species of FIGS. 1-4. It is Applicant's understanding that the Examiners agreed to withdraw such objection if Claim 1 was amended to change the word "being provided with" to "having", which amendment Applicant has made herein. Accordingly, Applicant assumes that Claims 1-5 and 8 are no longer considered withdrawn. Applicants further discussed that neither Richer '160 nor Richer '460 disclosed a suspension formed from a single layer of material having a plurality of holes extending through the single layer of material for receiving the necks of hangers and that neither the suspension means of Richer '160 nor the suspension of Richer '460 was supported by the hangers therein.

Applicant acknowledges that Claims 29 and 30 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

With respect to any further objections regarding the previous election of Species 1, Figures 1-4, Applicant submits that Claim 11 is a generic claim with respect to Figures 1-4. In this regard, spacer 12 of Figures 1-4 includes a central portion 23 and first and second side portions 26 and 27. With respect to use of the word "inclined" in Claim 1, Applicant points the Examiner to page 4, line 13 of the application where it is stated:

In the preferred embodiment, the first and second side portions 26 and 27 are each inclined at an angle of approximately 90 degrees relative to the first surface 31 of the central portion 23. The first and second side portions 26 and 27 may each be inclined, however, at any angle less than 180 degrees relative to the first surface 31 of the central portion 23.

It is thus clear that the inclination angle referred to in Claim 1 is intended to refer to any angle less than 180°. In the embodiment of Figures 1-4, the first and second side portions 26 and 27 are each inclined at an angle of approximately 90 degrees relative to the first surface of the central portion 23.

With respect to the newly imposed restriction requirement, Applicant elects Group I, that is Claims 1-17, 25 and 28-30. Nonelected Claims 33-36 are cancelled, without prejudice for future presentation in a continuing application.

Claims 11 and 25 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description. In this regard, the word "thin" has been deleted from

Claims 1, 11 and 25. With these amendments and explanation, it is assumed that the rejection under 35 U.S.C. §112, first paragraph, will be withdrawn.

Claims 11 and 25 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this regard, Claims 1, 11 and 25 have been amended to delete the words "or other objects" therefrom. The deletion of the words "or other objects" is not intended to indicate that the spacers disclosed in the claims cannot be used with other objects, because such spacers can be used with objects other than garments. Rather, the words "or other objects" were deleted from the claims only to remedy the alleged indefiniteness cited by the Examiner. With these amendments and explanation, it is assumed that the rejection under 35 U.S.C. §112, second paragraph, will be withdrawn.

Claims 11-17, 25 and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Richer '160 (U.S. Patent No. 2,827,160) and have been similarly rejected by Richer '460 (U.S. Patent No. 3,057,460). Claim 25 has been similarly rejected by Sutton (U.S. Patent No. 2,604,999). Reconsideration of these claims is respectfully requested.

Richer '160 discloses the combination of a garment container and suspension means. The suspension unit consists of a one-piece blank of elongated shape as shown in Fig. 5. Col. 2, lines 22-24. The central rib portions 14 are folded one against the other along the common central crease line 11 to define a rib the two layers of which may be stapled or taped together although, the slit 8, 9 in the roof 4 is generally sufficient to hold them together. Col. 2, lines 44-48. The center portions 14 of the suspension unit are provided with a plurality of spaced holes 21 and/or slots 22 adapted to register with each other when said portions 14 are folded one against the other, for receiving the hook of a garment hanger A as shown in Fig. 3. Col. 2, line 72 through Col. 3, line 4.

Richer '460 discloses a suspension bar of garment boxes. FIGURES 1, 6 and 7 show a blank 30 in which the central sections are folded to define a double layer vertical flange 36 while the outer sections are folded about lateral fold lines 31', to form the double layer horizontal flange 37 which is wider than the vertical flange 36. The layers of the horizontal flange are provided with slots 39 and/or holes 39' extending parallel to the fold line 31' at a distance corresponding to the width of the hook so as to receive the free end J or J' of a hook with the

main part thereof extending along the vertical flange of the bar, as clearly shown in FIGURE 6.
Col. 2, line 72 through Col. 3, line 23.

Sutton discloses an attachment for supporting clothes hangers. A substantially U-shaped bracket generally indicated at 18 is supplied. This bracket is an elongated longitudinal member consisting of a web 20 together with legs 22 and 24. Col. 1, lines 41-44. A pair of spaced openings (unnumbered) are provided in the web 20 of the bracket and two locking devices are individually passed therethrough. Col. 1, lines 51-54. By employment of the single locking device at each end of the bracket, it is necessary only to loosen the wing nut 32 and remove the clothesline from within the bracket. Col. 2, lines 2-5.

Amended Claim 1 is patentable by calling for a lightweight hanger spacer comprising a unitary body of a single layer of material selected from the group consisting of cardboard and plastic extending along a longitudinal axis, the body having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart holes extending through the single layer of material between the opposite first and second surfaces adapted for slidably receiving the respective necks of the plurality of hangers whereby the spacing of the hangers by the body inhibits wrinkling of garments carried by the hangers, the body having first and second longitudinally-extending portions inclined at an angle relative to each other whereby the inclination of the first and second portions relative to each other provides rigidity to the body.

Neither Richer '160 nor Richer '460 disclose a hanger of the type set forth in Claim 1 having, among other things, a unitary body of a single layer of material selected from the group consisting of cardboard and plastic extending along a longitudinal axis, the body having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart holes extending through the single layer of material between the opposite first and second surfaces adapted for slidably receiving the respective necks of the plurality of hangers. On the contrary, and as discussed above, each of Richer '160 and Richer '460 disclose a suspension bar having two layers of material with holes extending therethrough. The spacer of the present invention does not require two layers of material because the spacer is not required to support the hangers used therewith. Instead, the spacer of the present invention is supported by the hangers.

Claims 2-6 and 8 and new Claim 37 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein. For example, new Claim 37 is additionally patentable by stating that the body is provided with a single set of a

plurality of longitudinally spaced-apart holes extending through the single layer of material between the opposite first and second surfaces.

Independent Claim 11 has been amended in a manner similar to Claim 1 and is patentable for the same reasons discussed above with respect to Claim 1. Claims 12-18 and new Claim 38 depend from Claim 11 and are patentable for the same reasons as Claim 11 and by reason of the additional limitations called for therein.

Amended independent Claim 25 is patentable by calling for an assembly comprising a plurality of hangers having respective necks, a plurality of garments respectively carried by the plurality of hangers, a unitary spacer extending along a longitudinal axis, the spacer having opposite first and second surfaces and being provided with a plurality of longitudinally spaced-apart holes extending between the opposite first and second surfaces for slidably receiving the respective necks of the plurality of hangers, the spacer resting on at least some of the garments and hangers so as to be carried by at least some of the garments and hangers whereby the spacing of the hangers by the spacer inhibits wrinkling of the garments.

None of Richer '160, Richer '460 or Sutton disclose an assembly of the type called for in amended Claim 25 in which, among other things, the spacer rests on at least some of the garments and hangers so as to be carried by at least some of the garments and hangers. On the contrary, each of the suspensions disclosed by Richer '160 and Richer '460 and the holder disclosed by Sutton are utilized for supporting and carrying hangers, not vice versa.

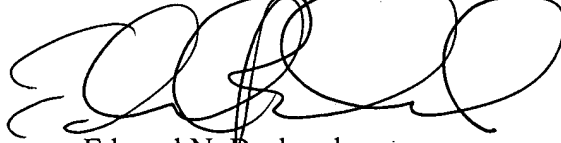
Claims 26-30 and new Claims 39 and 40 depend from Claim 25 and are patentable for the same reasons as Claim 25 and by reason of the additional limitations called for therein.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help

further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

DORSEY & WHITNEY LLP

A handwritten signature in black ink, appearing to read 'Edward N. Bachand', written over the firm name.

Edward N. Bachand
Reg. No. 37,085

DORSEY & WHITNEY LLP
Suite 3400, Four Embarcadero Center
San Francisco, CA 94111-4187
Telephone: (650) 494-8700
1070925